Land Use Code Amendments

City Council Study Session
February 19, 2013
Process Context

2007-2008
Policy Development
Best Practices Comp Plan

2012-13
Land Use Code Development
Light Rail Overlay

2013-2014
Alignment Approval
Council

2013-2014
Design/Mitigation Approval
Land Use Permits

Starting 2014
Technical Review
Building, Fire, Utility, and Transportation Permits
Process Inconsistency and Regulatory Gaps

- East Link passes more than 20 land use districts:
  - Differing levels of required review
  - Differing applicability of standards
- Almost half of East Link is in ROW where land use provisions typically do not apply
- LU Code lacks content specific design guidelines
Overlay* – Organized by Code Section

(Gray denotes subjects for discussion 2/19)

- General Sections and Definitions
- Required Light Rail Permits
- Citizen Advisory Committee Involvement in Permitting
- Development Standards
- Design Guidelines
- Administrative Modification Process

* Separate Ordinance for Conformance Amendments
Tonight’s Discussion – Focus on Final Council Direction

- “Public Hearing draft” refers to Overlay that was subject of hearing and printed as Attachment A of tonight’s packet
- “Leadership Group draft” refers to modified Overlay developed by Councilmembers and available on the internet starting Saturday morning
- Seeking direction by topic area for final ordinance
- Anticipate final action on Overlay and conformance amendments next week (2/25)
Leadership Group Draft:
New Definitions – Transition Areas

- Creates concept of Light Rail facility providing transition
- Applies to R-1 to R-30 zoned properties developed in residential use
- Based on current East Link alignment and alternatives, applies south of Downtown
- Ramifications for height, setback and landscaping in those areas
Leadership Group Draft:

Depiction of Proposed Areas Receiving Transition
Should transition area concept be included in the final Overlay?

- Anticipate additional conformance amendments to Part 20.25B to ensure consistency
- Anticipate clarifications/refinements throughout Overlay to clarify “transition boundary” where it impacts height and setback measurements
## Who May Apply

| Public Hearing Draft | Sound Transit only after commencement of its property acquisition process for segment subject of permit application | • Provides notice to property owners who may be impacted by permit  
• Can be coordinated with existing Sound Transit acquisition process  
• Does not eliminate or modify ST’s state and federal property acquisition requirements | Difficult to determine, may have minor impact on timing of permit application |
| Leadership Group Draft | Sound Transit only after formal commencement of condemnation for segment subject of permit application | • Ensures property owners have certainty prior to commencing permit process  
• Unwilling property owner may control timing of permit application  
• Treats project differently from other large public project where agency has condemnation authority | Potential delay to timing of permit application with associated increased project costs |
<table>
<thead>
<tr>
<th>Process Milestone</th>
<th>Nature of Contact</th>
<th>Timing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Publication of Draft EIS</td>
<td>Letter to potentially affected property owners</td>
<td>Complete</td>
</tr>
<tr>
<td>Sound Transit Board takes formal action to authorize</td>
<td>Certified letter to property owners</td>
<td>Typ. 60% design</td>
</tr>
<tr>
<td>acquisition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Voluntary negotiations</td>
<td>• Notification of intent to acquire</td>
<td>4–6 month period after Board action</td>
</tr>
<tr>
<td></td>
<td>• Property appraisal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Formal offer &amp; negotiations</td>
<td></td>
</tr>
<tr>
<td>Condemnation Petition</td>
<td>Only where necessary to complete acquisition</td>
<td>Following formal negotiations</td>
</tr>
<tr>
<td>Order on Public Use &amp; Necessity and Immediate Use &amp; Possession</td>
<td>Steps that are a part of condemnation proceeding</td>
<td>Driven by case schedule; 45 days is earliest with Owner consent</td>
</tr>
</tbody>
</table>
When should Sound Transit be allowed to apply for permits?

- Potential clarifications needed to allow permits to be applied for by segment/construction package
- Potential clarifications needed to allow for early Development Agreement regarding alignment
Citizen Advisory Committee Review
Changes Proposed in Modified Draft

- Specify 7 to 9 members
- Limits eligibility to Bellevue residents (still with varying backgrounds and experience)
- Further defines conflicts that would disqualify one from participation (i.e. not a City/ST employee or contractor)
- Adds specific reference to landscaping and linear alignment components as within scope
- Provides additional weight to specific recommendations
Council Direction

- Should these provisions regarding the CAC be included in the final draft Overlay?
Development Standards
LUC 20.25M.040

- Development Standards are **rigid**
  - Example: dimensional requirements

- Standards must be met in the absence of a modification approval

- Public Hearing and Modified Overlay include differences in:
  - Height provisions
  - Setback requirements
  - Structure separation requirements
# Height Limitations

## Light Rail Facility Heights

<table>
<thead>
<tr>
<th>Public Hearing Draft</th>
<th>Leadership Group Draft – height limits</th>
<th>Leadership Group Draft -- height and setback interplay</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Allow for minimum height necessary to accommodate agreed alignment</td>
<td>• Require demonstration, either through Development Agreement or CUP that height is “minimum necessary for effective functioning of RLRT Facility”</td>
<td>• Within “areas receiving transition” require expansion of setback by 4 feet for every foot in height over underlying district</td>
</tr>
</tbody>
</table>
| · Consistent with MOU/CDP goals  
 · Consistent with treatment of EPF  
 · Provides greater near-term certainty for Sound Transit  
 · Formal CAC will provide input on screening and softening issues | · Similar to treatment of other EPF through LUC Section 20.20.350  
 · Could be satisfied at time of Development Agreement approval of alignment with technical information  
 · May require some additional screening detail at the time of Development Agreement | · Does not appear to apply to East Link alignment or alternatives under consideration  
 · Could apply to future alternatives or light rail projects adjacent to residential properties |
Council Direction

Should Leadership Group provisions related to height be included in the final draft Overlay?

- Anticipate refinements to clarify location of transition boundary
Required Setbacks

- Public Hearing and Leadership Group drafts apply setbacks to traditional structures as required according to the underlying land use district.

- Leadership Group draft also includes additional requirements in “areas receiving transition”:
  - Structure setback of 30 feet from linear alignment (at-grade or elevated)
  - Additional dimensional standard created requiring separation of 60 feet between primary residential structures and alignment.
Street (Public ROW)

- Landscape Buffer in private ownership
- Landscape Buffer in Sound Transit ownership
- Property Line
- Building Setback
- 30’ Landscaping
- Transition Area Landscaping Standard
- Property Line

Light Rail Alignment
Landscape Buffer/Setback
South of Surrey Downs Park

- Landscape Screen/Buffer: 30'
- Existing Landscaping
- Residential
- Potential Noise Wall: Height and Position may vary
- Retaining Wall
- 112th Avenue SE
Council Direction

Should a 30 foot setback be required from edge of alignment to property line within areas receiving transition?

- Anticipate revisions/refinements throughout Overlay to make clear location of measuring setback, particularly to clarify treatment of station and station platform and minor structures that are allowed in setback
Landscape Buffer & Building Setbacks

*(Locations are Approximate)*
Landscape Buffer & Building Setbacks
(Locations are Approximate)
Landscape Buffer & Building Setbacks
*(Locations are Approximate)*
Landscape Buffer & Building Setbacks
*(Locations are Approximate)*
Landscape Buffer & Building Setbacks
*(Locations are Approximate)*
Council Direction

- Should a 60 foot structure separation be required from edge of alignment to primary residential structures within the area receiving transition?

  - Anticipate revisions/refinements throughout Overlay to make clear location of measuring setback, particularly to clarify treatment of station and station platform and minor structures that are allowed in setback.
Next Steps

- Additional modifications included within the Leadership Group draft not specifically addressed tonight

- Final ordinances establishing Overlay and related conformance amendments drafted for action next week (available on internet Friday 2/22)